

REMARKS/ARGUMENTS

Claims 1-30 are pending herein. Claims 1, 26 and 30 have been amended hereby to recite that the main body portion extends downwardly from and beyond the mounting member, as supported, for example, by the original drawings. Claim 12 has been rewritten to correct a minor matter of form. Applicant respectfully submits that no new matter has been added.

1. The objection to claim 12 is noted, but deemed moot in view of rewritten claim 12 submitted above. Accordingly, Applicant respectfully requests that the above objection be reconsidered and withdrawn.

2. Claims 1-5, 13-20, 23 and 26 were rejected under §102(b) over Adams. Applicants respectfully traverse this rejection.

Independent claim 1 recites a clock kit comprising a mounting member adapted to be fastened to a vertical mounting surface in a position that is spaced a predetermined distance from an intersection of the vertical surface and a horizontal surface, at least one interchangeable main body portion adapted to extend downwardly from and beyond the mounting member toward the horizontal surface such that the main body portion gives the appearance of being a central portion of a free-standing clock, and a clock unit adapted to be supported at a fixed position with respect to the mounting member and the main body portion.

Independent claim 26 recites a clock, comprising a mounting member adapted to be fastened to a vertical mounting surface at a predetermined distance from the floor, an interchangeable main body portion extending downwardly from and beyond the mounting member from a first end proximate the mounting member toward an opposed second end proximate the floor and defining a height of the main body portion, such that the main body portion gives the appearance of being a central portion of a free-standing clock, and a clock unit supported in a fixed position with respect to the mounting member and the main body member.

The PTO asserted that Adams discloses a clock kit including "at least one interchangeable main body portion (62, Fig. 1) adapted to extend from said mounting member toward said horizontal surface such that said main body portion gives the appearance of being a central portion of a free-standing clock" (Office Action, page 2, lines 16-19).

Applicant respectfully submits, however, that the second door element 62 shown in Fig. 1 of Adams does not extend downwardly from and beyond any of the portions (e.g., back portion 22 or the lateral side portions 14, 16) of Adams' housing 12 that allegedly correspond to the claimed mounting member based on the PTO's own designations. Instead, Adams clearly discloses that the second door member 62 is affixed with hinges 64 to a lateral side portion of the housing 12 to cover a portion of the opening 60 that is not covered by the lower panel element 59 (see Adams, Col. 3, lines 22-26). Indeed, there is no disclosure in Adams of an interchangeable main body portion that extends downwardly from and beyond a mounting member, as claimed.

For at least the foregoing reasons, Applicant respectfully submits that Adams does not disclose each and every feature recited in independent claims 1 and 26. Accordingly, Applicant respectfully submits that independent claims 1 and 26, all claims depending directly or indirectly therefrom, define patentable subject matter over the applied references, and respectfully requests that the above rejection be reconsidered and withdrawn.

3. Claims 6, [sic., 7] 22, 24 and 25 were rejected under §103(a) over Adams in view of Huffman. Applicant respectfully traverses this rejection.

Claims 6, 7, 22, 24 and 25 each depend either directly or indirectly from independent claim 1, which is discussed above in section 2. Since independent claim 1 defines patentable subject matter over the applied references for the reasons explained above, Applicant respectfully submits that claims 6, 7, 22, 24 and 25 likewise define patentable subject matter over the applied references by virtue of their

respective dependencies from independent claim 1. Accordingly, Applicant respectfully requests that the above rejection be reconsidered and withdrawn.

4. Claim 8 was rejected under §103(a) over Adams in view of Shanok, and claims 9-12 were rejected under §103(a) over Adams in view of Shanok and further in view of Bamberger. Applicant respectfully traverses these rejections.

Claim 8 depends directly from independent claim 1, and claims 9-12 each depend directly or indirectly from claim 8. Since independent claim 1 defines patentable subject matter over the applied references for the reasons explained above, Applicant respectfully submits that claim 8, and all claims depending therefrom, likewise define patentable subject matter over the applied references by virtue of its dependency from independent claim 1. Accordingly, Applicant respectfully requests that the above rejections be reconsidered and withdrawn.

5. Claims 21 and 27 were rejected under §103(a) over Adams in view of Prevost, and claim 29 was rejected under §103(a) over Adams in view of Prevost and further in view of Lehmann. Applicant respectfully traverses these rejections.

Claim 21 depends indirectly from independent claim 1. Claim 27 depends from independent claim 26, and claim 29 depends from claim 27. Since independent claims 1 and 26 define patentable subject matter over the applied references for the reasons explained above, Applicant respectfully submits that claims 21, 27 and 29 likewise define patentable subject matter over the applied references by virtue of their respective dependencies from independent claims 1 and 26. Accordingly, Applicant respectfully requests that the above rejections be reconsidered and withdrawn.

6. Claim 28 was rejected under §103(a) over Adams in view of Lehmann. Applicant respectfully traverses this rejection.

Claim 28 depends from claim 26, which is discussed above in section 2. Since claim 26 defines patentable subject matter for the reasons explained above, Applicant

respectfully submits that claim 28 likewise defines patentable subject matter over the applied references by virtue of its dependency from independent claim 26. Accordingly, Applicant respectfully requests that the above rejection be reconsidered and withdrawn.

7. Claim 30 was rejected under §103(a) Adams in view of Prevost and Lehmann. Applicant respectfully traverses this rejection.

Independent claim 30 recites a clock comprising a mounting member adapted to be fastened to a vertical mounting surface at a predetermined distance from the floor and an interchangeable main body portion extending downwardly from and beyond the mounting member from a first end thereof proximate the mounting member toward an opposed second end proximate the floor and defining a height of the main body portion, such that the main body portion gives the appearance of being a central portion of a free-standing clock. The clock also includes a first quick-release connection mechanism for securing the first end of the main body portion to the mounting member and a clock unit supported in a fixed position with respect to the mounting member and the main body member. The clock unit comprises at least a driving mechanism, a clock-face substrate, a plurality of clock hands, and means for supporting the clock unit at the fixed position with respect to the mounting member and the main body portion. The clock also includes a base member positioned on a horizontal surface in a position substantially aligned with the mounting member; and a second quick-release connection mechanism for securing the second end of the main body portion to the base member.

Applicant respectfully submits, however, that Adams does not disclose an interchangeable main body portion extending downwardly from and beyond a mounting member, as recited in independent claim 30, for the same reasons explained above in connection with independent claims 1 and 26. Applicant respectfully submits that the secondary and tertiary references cannot overcome the deficiencies of the primary reference.

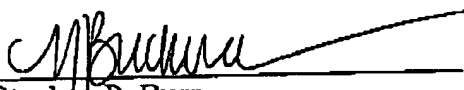
For at least the foregoing reasons, Applicant respectfully submits that independent claim 30 defines patentable subject matter over the applied references, and respectfully requests that the above rejection be reconsidered and withdrawn.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

September 29, 2005
Date


Stephen P. Burr
Reg. No. 32,970
Nicole J. Buckner
Reg. No. 51,508

SPB/NB/gmh

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320